

REMARKS:Claim Status

Claims 1-19 and 21-37 are pending in the application. Claims 1 and 24 are independent claims. The claim status is as follows:

24	Currently Amended
2-5, 9-12, 14-15, 17-18, 22-23, 26-28, 30 and 32-37	Original
1, 6-8, 13, 16, 19, 21, 25, 29 and 31	Previously Presented
20	Cancelled

The Office ActionSpecification

The Office Action objected to the amendment filed on 12/30/2008 under 35 U.S.C. §132(a) because it allegedly introduces new matter into the disclosure. Specifically, the Office Action cited “said order collaboration system operative to transmit a portion of the content of the transitive information to the business entities in response to a security parameter” from claim 1 and “and responsive to a security parameter” from claim 24. Applicants respectfully traverse.

The applicants would like to direct the Examiner's attention to the first paragraph of page 23 of the original specification. Specifically lines 1-3 which disclose "Portions of this information may be public or private, depending upon preferences set by the party that 'owns' the information." One having skill in the art would recognize that the preferences set by the party that owns the information constitute a parameter and that "Portions of this information may be public or private" indicates a level of security. The level of security in the original specification ranges from public to "completely private (line7). Applicants believe the cited text of claim 1 reflects this part of the specification.

Accordingly applicants request withdrawal of the 35 U.S.C. §132(a) objection of claims 1 and 24 and the claims dependent from claims 1 and 24.

### 35 U.S.C. §101 Rejections

Claims 1-19, 21-23 and 24-37 are rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Applicants respectfully traverse.

The text of claim 1 recites (in relevant part) a "workstation coupled to said one or more business entities." The Office Action appears to state that the system of claim 1, because it includes "software modules that manipulate information" is "absent any hardware components" and "directed to software per se." Applicants believe the workstation recited in the text of claim 1 constitute hardware. Further, the

specification describes various hardware elements supporting the recited text of claim 1. (See generally figure 2 and page 19 lines 13 and 14.) Accordingly the 35 U.S.C. §101 rejection should be withdrawn.

Similarly the text of claim 24 provides for “receiving at a server” and “presenting on a workstation.” The hardware elements in the text of claim 24 impose meaningful limits because the operation of the order collaboration system for an extended supply chain in claim 24 uses an architecture that provides the benefits as set forth in the specification. Further the steps of the method are not insignificant because they are required to effectuate the invention as claimed and do not represent extra solution activities. For the foregoing reasons applicants believe the 35 U.S.C. §101 rejection of claim 24 should be withdrawn.

#### 35 U.S.C. §112 First Paragraph Rejection

Claims 1-19 and 21-37 are rejected under 35 U.S.C. § 112 First Paragraph as allegedly failing to comply with the written description requirement. Applicants respectfully traverse.

For this rejection, the Office Action specifically cites “in response to a security parameter” from claim 1 and “and responsive to a security parameter” from claim 24. As discussed above under 35 U.S.C. §132(a) objection, applicants would like to direct the Examiner’s attention to the first paragraph of page 23 of the original specification. Specifically lines 1-3 which disclose “Portions of this information may be

public or private, depending upon preferences set by the party that 'owns' the information." One having skill in the art would recognize that the preferences set by the party that owns the information constitute a parameter and that "Portions of this information may be public or private" indicates a level of security. The level of security in the original specification ranges from public to "completely private (line7).

Applicants believe the cited text of claims 1 and 24 reflects this part of the specification.

Accordingly applicants request withdrawal of the 35 U.S.C. §112 first paragraph rejection.

#### 35 U.S.C. §112 Second Paragraph Rejection

Claims 1-19 and 21-37 are rejected under 35 U.S.C. § 112 as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant's regard as the invention. In addition, the Office Action states that the term "security parameter" shall be interpreted to encompass any security measure taken to prevent undesired or unauthorized use of information." Applicants respectfully traverse.

As discussed above, applicants would like to direct the Examiner's attention to the first paragraph of page 23 of the original specification. Specifically lines 1-3 which disclose "Portions of this information may be public or private, depending upon preferences set by the party that 'owns' the information." One having skill in the art

would recognize that the preferences set by the party that owns the information constitute a parameter and that “Portions of this information may be public or private” indicates a level of security. The level of security in the original specification ranges from public to “completely private (line7).

Here, the Office Action appears to be stating that any security measures would be sufficient as a disclosure of the text of claims 1 and 24. However, when read in light of the specification, it is clear that some information is private and some public. Further, the specification cited above discloses uses and operation for the public and private information that are not characterized as “any security measure” because different portions of the information are treated differently depending on the value of the information. Also, a mere login or password scheme would be insufficient to effectuate the text of claim 1 and claim 24.

Applicants believe the cited text of claim 1 and claim 24 reflects the specification and when read in light of the specification the 35 U.S.C. § 112 rejection must be withdrawn.

### 35 U.S.C. § 103 Rejections

Claims 1-2, 4-7, 16-20, 24-25 and 31 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong (US 20030149578) in view of Ouchi (US 20030036968) in further view of Beurskens (US 7200572) in view of Rivera (US

20020107699) in further view of Yehia (US 20020091614). Applicants respectfully traverse.

*Claim 1*

The text of claim 1 recites “said order collaboration system operative to transmit a portion of the content of the transitive information to the business entities in response to a security parameter, and said order collaboration system further operative to determine contract compliance among the tiers of suppliers in response to one of the following: price, inventory, delivery schedules, backorders and supply interruptions, exceptional events, and past transactions.” The cited references: Wong, Ouchi, Beurskens and Yehia do not disclose the recited text of claim 1. The Office Action cites Rivera figure 10 and paragraph 0057-0058 as disclosing the recited text of claim 1. Here however, it seems Rivera only discloses the use of a login to access a system. Rivera does not disclose the recited text of claim 1 because Rivera does not disclose transmission of a portion of content in response to a security parameter.

As discussed above, the security parameter is part of the original specification and as such the recited text of claim 1 is supported by the specification.

Additionally, the references would not teach, suggest or motivate one to effect the recited text of claim 1 because they lack the elements of the text of claim 1. The claimed invention must be considered as a whole and suggest the desirability and thus obviousness of making the combination (see *Lindemann Maschinenfabric GmbH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1462; 221 USPQ 481, 488 (Fed.

Cir. 1984)). Obviousness cannot be established merely by combining the teachings of the prior art to produce the claimed invention, absent a teaching, suggestion or motivation supporting the combination (In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988); see also In re Laskowski, 10 USPQ2d 1397 (Fed. Cir. 1989)). The claimed invention is not an application by one of ordinary skill of common sense using obvious techniques and combinations that would have occurred in the ordinary course of development, but one of real innovation. As such, the cited art cannot form the basis for a 35 U.S.C. 103(a) rejection.

In view of the foregoing, Rivera cannot form the basis of a 35 U.S.C. §103 rejection of claim 1. Claim 1 is allowable and applicants request allowance of claim 1.

*Claims 2, 4-7 and 16-20*

Claims 2, 4-7 and 16-20 are dependent from claim 1 and include all the limitations of claim 1. Since claim 1 is allowable and claims 2, 4-7 and 16-20 depend from claim 1, they are also allowable. Applicants request allowance of claims 2, 4-7 and 16-20.

*Claim 24*

The text of claim 24 recites “aggregating said data in such a way that said aggregated data is responsive to said request, and responsive to a security parameter; and generating a report and presenting said report to said one or more

business entities, wherein said report is responsive to said request, indicates contract compliance and identifies the terms of said contract related to said request.” As discussed above, applicants believe that the cited references do not disclose the recited text of claim 24. Additionally, the references would not teach, suggest or motivate one to effect the recited text of claim 24.

The Office Action cites Rivera figure 10 and paragraph 0057-0058 as disclosing the recited text of claim 23. Here however, it seems Rivera only discloses the use of a login to access a system. Rivera does not disclose the recited text of claim 24 because Rivera does not disclose transmission of a portion of content in response to a security parameter.

As discussed above, the security parameter is part of the original specification and as such the recited text of claim 24 is supported by the specification.

In view of the foregoing, Rivera cannot form the basis of a 35 U.S.C. §103 rejection of claim 24. Claim 24 is allowable and applicants request allowance of claim 24.

#### *Claims 25 and 31*

Claims 25 and 31 are dependent from claim 24 and include all the limitations of claim 24. Since claim 24 is allowable and claims 25 and 31 depend from claim 24, they are also allowable. Applicants request allowance of claims 25 and 31.



*Claims 3, 21 and 28-29*

Claims 3, 21, and 28-29 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens, as applied to 1-2, 47,17-18, and 24, and further in view of Katz et al. (US 20020178077).

Claim 3 and 21 are ultimately dependent from claim 1 and include all the limitations of claim 1. Since claim 1 is allowable, claims 3 and 21 are allowable because they include all the limitations of claim 1. Likewise claims 28-29 depend from claim 24 and include all the limitations of claim 24. Claims 28-29 are therefore allowable.

Applicants request allowance of claims 3, 21 and 28-29.

*Claims 8-10, 12-15 and 32-37*

Claims 8-10, 12-15, and 32-37 are rejected under 35 U.S.C.103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens in view of Rivera in view of Yehia, as applied to claims 1-2, 4-7, 16-20, 24-25 and 31, and further in view of Johnson et al. (US 20030023540).

Claims 2, 4-10 and 12-20 are ultimately dependent from claim 1 and include all the limitations of claim 1. Since claim 1 is allowable, claims 2, 4-10 and 12-20 are allowable because they include all the limitations of claim 1. Likewise

claims 25 and 31-37 depend from claim 24 and include all the limitations of claim 24.

Claims 25, 31-37 are therefore allowable.

Applicants request allowance of claims 2, 4-10, 12-20, 25 and 31-37.

*Claim 11*

Claim 11 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens in view of Rivera in further view of Johnson as applied to claims 8-10 and 12-15, and in further view of Dutta (US 20030028470).

Claim 11 is ultimately dependent from claim 1 and includes all the limitations of claim 1. Since claim 1 is allowable, claim 11 is allowable because it includes all the limitations of claim 1. Applicants request allowance of claim 11.

*Claims 22-23 and 26-27*

Claims 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wong in view of Ouchi in view of Beurskens in view of Rivera, as applied to claims 1-2, 4-7, 16-20, 24-25, and 31 and further in view of Harm (US 20030040823).

Claims 22-23 and 26-27 are ultimately dependent from claim 1 and claim 24 respectively and include all the limitations of claim the claims from which

they depend. Since the claims from which they depend are allowable, claims 22-23 and 26-27 are also allowable.

Applicants request allowance of claims 22-23 and 26-27.

### CONCLUSION

For the reasons stated above, applicants respectfully request that the Examiner's rejections be withdrawn with respect to independent claims 1 and 24 and the claims which depend from them and that this application be passed to allowance.

The Examiner is invited and encouraged to telephone Applicant's Assignee's attorney at (650) 947-0700, with any questions, or with any matter that might assist in bringing this Application to allowance.

Respectfully submitted,

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